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09/690,657	03/02/2001	Thomas C. Thompson		3470

7590  
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92-543 Kokole PL  
Makakilo, HI 96707

08/03/2009

EXAMINER
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WENDELL, MARK R

ART UNIT	PAPER NUMBER
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3635

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Objections***

Claim 26 is objected to because of the following informalities: Line 1, the word “a” should be “the”. Appropriate correction is required.

Claim 27 is objected to because of the following informalities: Line 1, the word “a” should be “the”. Appropriate correction is required.

Claim 29 is objected to because of the following informalities: Line 1, the word “a” should be “the”. Appropriate correction is required.

Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim merely states inherent improvements of the instant invention over previous methods. There is no further structure claimed.

Claim 39 is objected to because of the following informalities: Line 3, the phrase “on apparatuses” should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-34, 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Birs (US 5383315). Regarding claims 33 and 34, Birs illustrates in Figure 5 a bracket comprising:

- Sides that are shaped like a cylinder (11);
- One end of the cylinder is open (end opposite 13);
- The other end of the cylinder is **generally** closed and **generally** flat (13), the examiner notes that the term "generally" renders the terms "closed" and "flat" ambiguous. The flat, washer portion of the item in Figure 5 is a closed circle with a circular opening in the top to receive a screw, see Figure 2. Thusly, the item is considered "generally closed";
- The opposite side of the closed end contains an attaching web (objects can be inserted into the hole, see Figure 2).

The examiner further notes that the drilled-out annulus is never positively claimed it is merely mentioned in nested intended use language within the preamble ("for inserting into"). Therefore, the structure of the claim only has to be capable of performing the function of fitting into an annulus, which because of its hollow core it can.

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Regarding claims 36-38, Birs teaches in column 3 the bracket (11) being attached via an adhesive placed on flange (13).

***Allowable Subject Matter***

Claims 24-25, 28 and 30-31 are allowed.

The following is an examiner's statement of reasons for allowance: The examiner notes that the closest prior art found to the instant application is Birs (US 5383315). Birs teaches a hole drilled into a shutter and bracket assembly with a bolt attaching the two together in combination with the sleeve of Figures 4-6. The reference does not teach the method of drilling an annulus with a cylindrical core in the center and fitting the sleeve onto such a core with an adhesive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 35 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

The examiner notes that the response to arguments can be found above in the body of the Office Action. Most arguments have been nullified via amendments to the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK R. WENDELL** whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/M. R. W./  
Examiner, Art Unit 3635  
July 28, 2009